IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 59332-M of 2006

DATE OF DECISION : 19.10.2006

Rajnish Gupta and others

.... PETITIONERS

Versus

State of Punjab and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Sunil Chadha, Advocate,
for the petitioners.

Mr. N.S. Gill, AAG, Punjab.

Mr. Sachin Kapoor, Advocate,
for respondent No.2.

* * *

The petitioners have filed this petition under Section 482 of the Code of Criminal Procedure for quashing of case FIR No. 73 dated 7.5.2003 registered with Police Station Division No.3, Ludhiana, under Sections 406 and 498-A IPC, on the basis of compromise effected between the parties.

In pursuance of the notice issued by this Court, respondent No.2-complainant has appeared and she has made the following statement :-

> "My marriage was performed with petitioner Rajnish Gupta on 20.11.2000. Thereafter, due to harassment given to me by him and his other family members, I was compelled to lodge FIR No. 73 dated 7.5.2003 at Police Station Division No.3, Ludhiana, under Sections 406 and 498-A IPC. During the pendency of the said case, due to the intervention of family friends and relatives, we compromised the matter and according to the compromise, we filed divorce petition under Section 13-B of the Hindu Marriage Act, which has been allowed and vide

judgment and decree dated 5.10.2006, passed by Additional District Judge, Ludhiana, decree of divorce by mutual consent has been passed. Now, we have settled all the disputes and nothing is due against each other. I have no objection if the aforesaid FIR is quashed."

The aforesaid statement of the complainant has been counter-signed by her counsel.

I have heard the arguments of learned counsel for the parties and gone through the deed of settlement, Annexure P-2, annexed with the petition.

Keeping in view the aforesaid statement made by respondent No.2-complainant and the settlement arrived at between the parties, I am of the opinion that since the parties have compromised the matter and the marriage between petitioner No.1 and respondent No.2 has already been dissolved, therefore, no useful purpose will be served by continuing with the criminal proceedings in the instant FIR and it will be futile because respondent No.2-complainant is not going to support the prosecution case. I am satisfied that the settlement arrived at between the parties is bonafide. Therefore, in view of the aforesaid statement of respondent No.2-complainant, the fact that the parties have compromised the matter and the law laid down by the Supreme Court in ***B.S. Joshi and others*** vs. ***State of Haryana and another,*** JT 2003 (3) SC 277, FIR No.73 dated 7.5.2003 registered with Police Station Division No.3, Ludhiana, under Sections 406 and 498-A IPC and all the proceedings arising therefrom are quashed.

Petition is accordingly allowed.

October 19, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**